IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO : 10966 of 2005

Between:

1 N.K. Satyanarayana, H.No. 7-1-395/44&45 (151/B & 152B)
Flat No. 501, Vedaplaza, S.R. Nagar, Hyderabad - 38.
2 P. Sridhar, H.No. 7-1-395/44&45 (151/B & 152B)
Flat No. 502, Vedaplaza, S.R. Nagar, Hyderabad - 38.
3 MVSD Prasada Rao, H.No. 7-1-395/44&45 (151/B & 152B)
Flat No. 203, Vedaplaza, S.R. Nagar, Hyderabad - 38.

..... PETITIONERS

AND

1 The Commissioner, Municipal Corporation of Hyderabad,
Hyderabad.
2 The Assistant Medical Officer of Health, Circle - V, Municipal Corporation of Hyderabad, Khairatabad, Hyderabad.
3 The Senior Supervisor, Municipal Corporation of Hyderabad,
Ward Officer, B.K. Guda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the inaction of the respondents in considering the reminder representation of the Petitioners dated 12-7-04 as illegal, arbitrary, questionable, unconstitutional and the same is contrary to the provisions of Hyderabad Municipal Act., and other allied acts and consequently direct the Respondent 1 to 3 to conduct inquiry and to consider the representation of the Petitioner dated 12-7-04 and for direction to the Respondents 1 to 3 for removal of the garbage tank located at adjacent premises NO. 7-1-395/44&45(151/B&152/B) at S.R. Nagar, Hyderabad - 38

and pass such other order or orders.

Counsel for the Petitioners: GULLAPALLI RADHAKRISHNAN

Counsel for the Respondents: SMT.G.JYOTHI KIRAN, Standing Counsel for the Municipal Corporation of Hyderabad.

This Court at the admission stage made the following:

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.10966 of 2005

O R D E R:

This writ petition filed seeking to declare the inaction of the respondents in considering the reminder representation dated 12-07-2004 submitted by the petitioners as illegal and arbitrary, and consequently to direct the respondents to conduct inquiry and consider the said representation for removal of the garbage tank located at adjacent premises No.07-01-395/44&45(151/B&152/B) at S.R. Nagar, Hyderabad.

The petitioners are the residents of Veda Plaza at Door No.7-1-395/44-45 (151/B & 152/B) at S.R. Nagar, Hyderabad. It is stated that the respondent-Corporation, for the reasons best known to it, shifted a very big garbage tank to north east corner of the plaza of the petitioners, without there being any demand or necessity, and the same is causing much inconvenience to the residents of that locality as the garbage is not being removed promptly. It is further stated that the respondent-Corporation cannot maintain such a big garbage tank amidst the residential locality, which may result in water contamination and unhygienic condition of the locality.

The grievance of the petitioners is that though they made several representations to the respondent-Corporation on 23-04-2004 and 30-05-2004 and the reminder representation on 12-07-2004, bringing the above facts to the notice of the respondent-Corporation, no steps have been taken.

Having heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents and in view of the facts and circumstances of the case, particularly in view of the fact that the petitioners submitted representations to the respondent-Corporation, I deem it appropriate to dispose of the writ petition.

The writ petition is accordingly disposed of, at the admission stage, directing the respondents to consider the representation, dated 12-07-2004, submitted by the petitioners, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

(ELIPE DHARMA RAO, J)

Date:21-06-2005

ghn

To

1 The Commissioner, Municipal Corporation of Hyderabad,
Hyderabad.
2 The Assistant Medical Officer of Health, Circle - V, Municipal Corporation of Hyderabad, Khairatabad, Hyderabad.
3 The Senior Supervisor, Municipal Corporation of Hyderabad,
Ward Officer, B.K. Guda, Hyderabad.

4 Two CD copies.